

APPEAL NO. 151374
FILED SEPTEMBER 14, 2015

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 23, 2015, in Dallas, Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the appellant (claimant) did not sustain a compensable injury on (date of injury); (2) the respondent (carrier) is relieved from liability under Section 409.002 because of the claimant's failure to timely notify her employer pursuant to Section 409.001 (we note that the Decision and Order section, Conclusion of Law No. 4, and the Decision all omit the "1" in 409.001); and (3) because the claimant did not sustain a compensable injury, she did not have disability.

The claimant appealed all of the hearing officer's determinations, contending that those determinations are so against the great weight and preponderance of the evidence as to be clearly wrong and manifestly unjust. The carrier responded, urging affirmance of the hearing officer's determinations.

DECISION

Affirmed as reformed.

The claimant testified that she injured her left leg on (date of injury). The hearing officer determined that the claimant did not sustain a compensable injury on (date of injury). There is sufficient evidence to support that determination; accordingly, we affirm the hearing officer's determination that the claimant did not sustain a compensable injury on (date of injury). However, a decision is being written in this case to correct inaccuracies contained in the decision.

Finding of Fact No. 1.D. states the following: "[o]n (date of injury) [c]laimant sustained a compensable injury." However, the record reflects that the parties did not enter this stipulation at the CCH. Accordingly, we strike Finding of Fact No. 1.D.

As noted above, the Decision and Order section, Conclusion of Law No. 4, and the Decision all state that the carrier is relieved from liability under Section 409.002 because of the claimant's failure to timely notify her employer "pursuant to Section 409.00," rather than Section 409.001, the correct citation of law. Accordingly, we reform the Decision and Order section, Conclusion of Law No. 4, and the Decision to correct 409.00 to 409.001.

The hearing officer's determination that the carrier is relieved from liability under Section 409.002 because of the claimant's failure to timely notify her employer pursuant to Section 409.001 is supported by sufficient evidence and is affirmed.

The hearing officer's determination that because the claimant did not sustain a compensable injury, she did not have disability is supported by sufficient evidence and is affirmed.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3218.**

Carisa Space-Beam
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge